

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ISRAEL GUTIERREZ #246141,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-601-WKW
)	
MONTGOMERY COUNTY DETENTION)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

The plaintiff, a state inmate, filed a 42 U.S.C. § 1983 action challenging the constitutionality of medical treatment provided to him during his confinement in the Montgomery County Detention Center. However, the plaintiff did not file the \$350.00 filing fee nor did he submit an original affidavit in support of a motion for leave to proceed *in forma pauperis* with the requisite documentation from the inmate account clerk at the Bibb County Correctional Facility. Thus, the pleadings filed by the plaintiff therefore fail to provide the court with the information necessary for a determination of whether the plaintiff should be allowed to proceed *in forma pauperis* in this cause of action. Accordingly, it is

ORDERED that on or before July 17, 2007 the plaintiff shall file either the appropriate affidavit in support of his motion for leave to proceed *in forma pauperis* accompanied by a prison account statement from the account clerk at the Bibb County Correctional Facility showing the average monthly balance in plaintiff's prison account for

the 6-month period immediately preceding the filing of this complaint and the average monthly deposits to plaintiff's account during the past six months *or* the \$350.00 filing fee.

To aid the plaintiff in complying with this order, the CLERK is DIRECTED to furnish him with a copy of the form affidavit used by persons seeking to proceed *in forma pauperis* before this court. The plaintiff is cautioned that if he fails to comply with this order the Magistrate Judge will recommend that this case be dismissed.

Done this 29th day of June, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE